

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

JUXTACOMM TECHNOLOGIES, INC.,

Plaintiff,

v.

ASCENTIAL SOFTWARE  
CORPORATION, *et al.*

Defendants.

Civil Action No. 2:07-CV-359 LED

**JURY TRIAL DEMANDED**

**IBM'S AND ASCENTIAL'S NOTICE OF JOINDER IN CERTAIN OF  
DEFENDANT MICROSOFT'S MOTIONS IN LIMINE**

Defendants IBM and Ascential hereby join the following motions *in limine* filed today by

Defendant Microsoft Corporation:

- Microsoft Motion *In Limine* No. 4: To preclude evidence or argument regarding incomparable licenses and acquisition data;
- Microsoft Motion *In Limine* No. 10: To preclude JuxtaComm from making improper corroboration arguments based on the wrong legal standard;
- Microsoft Motion *In Limine* No. 17: To preclude any statements regarding the use of expert witness Brian W. Napper by Fish & Richardson or Microsoft in other cases; and
- Microsoft Motion *In Limine* No. 18: To preclude any statement regarding the use of expert witness Michael J. Dansky by Fish & Richardson in a legal malpractice case.

Dated: October 19, 2009

Respectfully submitted,

KIRKLAND & ELLIS LLP

By: /s/ Andrew G. Heinz  
John M. Desmarais  
Robert A. Appleby  
James E. Marina  
Andrew G. Heinz  
153 East 53rd Street  
New York, New York 10022  
Telephone: (212) 446-4800  
Fax: (212) 446-4900

- and -

Donald J. Curry  
Marc J. Pensabene  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
(212) 218-2100

- and -

Eric M. Albritton  
ALBRITTON LAW FIRM  
111 West Tyler Street  
P.O. Box 2649  
Longview, Texas 75606  
(903) 757-8449

Attorneys for *Defendants Ascential Software Corp. and International Business Machines Corp.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 19th day of October, 2009.

By: /s/ Andrew G. Heinz